

LAND USE AND ZONING COMMITTEE

February 19, 2009

The Land Use and Zoning Committee hereby find and determine that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 7:00 p.m.

The following members were present: Messrs., Klco, Morse, Terriaco, Welch, and Ms. Diak. Staff: David Radachy

The public was not permitted to present opinions or introduce information they thought would help the Land Use and Zoning Committee make an informed decision. There was no dialog between the committee, staff and the public on any of the issues presented to the Committee.

There were nine cases to discuss.

Concord Township: Text Amendments

Amendment #1:

a. Combine permitted use lists and development standards from Sections XXIII (B-2), XXV (S), and XXVI (M) into existing Section XXII to be renamed “Commercial and Industrial District Regulations”. Update permitted use lists and lot, yard and building requirements for these districts. Add purpose statements for each district.

b. Repeal existing Sections XXIII, XXV, and XXVI.

c. Add new Town Hall Commons (THC) and Town Hall Neighborhood (THN) Districts to Section XXII, and include purpose statements, a proposed list of permitted uses and lot, yard and building requirements for these districts.

d. Update district references in Sections 22.06 – 22.08 and 22.11, as shown.

Staff explained that this amendment combines Chapters 23, 25 and 26 into Chapter 22. It also is creating two new zoning districts, Town Hall Commons (THC) and Town Hall Neighborhood (THN) with new permitted and conditional uses for each district. Staff also explained that some of the uses that were allowed under B-2, M and S were changed from permitted to conditional use and some were eliminated. Some new uses were added. Hospice care facility, outdoor recreation, school, community center, police and fire services and government facilities are new uses. Hospice is being added as a conditional use in B-1, B-2 and THN. This is part of the process started with the Auburn Crile Plan and all those zoning amendments. Combining all the Business Districts and Manufacturing Districts makes the code more user friendly.

Goal F of the 2004 Comprehensive Plan states “Establish a Town Center at the Intersection of Concord/Hambden Road and Ravenna Road: To provide a clear identity and to preserve historic qualities, the Township should develop a Town Center at this location that would accommodate existing and new government facilities, as needed, and provide for a limited amount of supportive commercial activity.” The new text would fulfill this goal in regards to the governmental uses and limited commercial activity. The commercial uses that are proposed are currently allowed in the area, and the text changes would put more restrictions on those uses. The proposed single family units are similar to the uses in Quail Hollow. The committee asked if the single-family units were similar to the ones being built by Country Scene. Staff stated that they were similar, but not at the same density.

The building and lot specifications were also moved from chapters 23, 25 and 26. Lot size and lot width were revised, and a maximum impervious surface was introduced in chapter 22. THC and THN building and lot specifications were being created by this amendment. The chapter was being renamed from B-1, GB, BX, and RD-2 District Regulations to Commercial and Industrial District Regulations. The new title properly describes the chapter and is an easier reference than stating or writing the "B-1, BX, GB and RD-2 District Regulations".

Staff stated that repealing the existing Sections of XXIII, XXV and XXVI have moved most of the regulations, except 23.03, 26.02 Nuisances, and 23.10, 25.10, 26.10 Areas zoned by amendment.

Staff recommended text change be accepted by the Township with notes that sections 23.03, 26.02, Nuisances, and sections 23.10, 25.10, 26.10, Areas zoned by amendment were not addressed in the text changes. This text change is in compliance with the 2004 Concord Township Comprehensive Plan.

Mr. Klco made a motion to recommend text amendment #1 with staff's suggested note on sections 23.03, 26.02, Nuisances, and sections 23.10, 25.10 and 26.10, areas zoned by amendment.

Mr. Terriaco seconded the motion.

All voted "Aye".

Motion passed.

Ms. Diak arrived at 7:10 PM

Amendment #2:

Repeal Section XXVII Research and Comprehensive Office (RD-1) District. This district is not designated anywhere on the Township Zoning Map. Recent implementation of site plan review procedures, design guidelines and landscaping and screening requirements, as well as the update of permitted commercial and industrial uses, eliminates the need for this specialized zoning classification with a separate set of review procedures.

Staff explained that this text has been on the books since 1978 and it created a floating zone. This text has never been used and with the additions of the design guidelines, landscaping, and site plan review, it will not be used in the future.

Staff recommended that the text change be accepted by the Township.

Mr. Welch made a motion to recommend that the text change be accepted.

Mr. Klco seconded the motion.

All voted "Aye".

Motion passed.

Amendment #3:

a. Add the THC District to Section XIII, Conditional Use Permit, under the proposed conditional uses for the district – restaurants (table and counter service), schools, churches/places of worship, and outside dining.

b. Add the THN District to Section XIII, Conditional Use Permit, under the proposed conditional uses for the district – restaurants (table and counter service), residential care

facility/nursing home/home for the aging, and hospice care facilities, detached single-family cluster developments, and outside dining.

c. Add “hospice care facility” to the conditional use requirements in Section 13.07.

d. Update the conditional use requirements for residential care facilities/nursing home/home for the aging/hospice care facilities in Section 13.07 to include a minimum building setback from the public right-of-way and a reference to the landscaping and screening requirements. Consolidate the non-residential district provisions under this Section, as shown.

Staff explained that B-1 and B-2 minimum lot requirements have the same requirements and was combined into one section. It makes sense for the regulations to be combined into one set. Staff stated that THN was given the same standards. Hospice care facility has been added as a conditional use and is now referenced in this section. The amount of square footage of the building has been increased to 40% from 30% of the lot area. Setbacks from the public right-of-ways were added to the requirements. The side yard and rear yard setbacks were combined together for B-1 and B-2 and THN was added to these requirements. There are residential uses proposed in THN by conditional uses. If THN is not considered a residential use than this language should be modified to give a 50-foot setback for Detached Single-Family Cluster Development.

The parking standards for B-1 and B-2 were combined into 13.07 I 1. c and rear line clearance was increased to 25 feet to conform to the current parking standards. THN was also added to this section. Landscaping for Parking Lots has been modified to reference the new landscaping section. 13.07 L, Landscaping has been modified to reference the landscaping section.

e. Add provision under Sections 13.08 and 13.26 for child and adult day care centers, respectively, that clarifies which building setback and lot requirements will be in effect when such uses are conditionally permitted as an accessory use.

Staff stated that the Concord Township Zoning Resolution was not clear on this issue.

f. Update and clarify building and parking distance requirements for churches and schools, under Sections 13.10 and 13.11, respectively.

Staff stated that the THC is being added to these sections. The new regulations will require a 50-foot setback from the public right of way. The changes reference the parking and landscaping and screening sections and bring them into compliance with those sections.

g. Add the M District reference under adult day care centers, Section 13.26.

h. Add the B-2 District reference under construction equipment sales and rental, Section 13.31.

i. Add conditional use criteria for detached single-family cluster developments in new Section 13.36.

This section adds the standards for Detached Single-Family Cluster Development. It sets the minimum development area needed, setback, buffers, housing unit size and height, maximum coverage, density, parking, landscaping and screening and vehicle movement.

Staff stated that 13.35 is being amended but was not stated on the summary of amendments from Concord Township. Staff stated that THC and THN are being added as districts that would allow outside dining as a conditional use.

Staff recommends accepting the text amendment. THN should have a 50 foot side yard clearance for Nursing Care Facility/Hospice and Detached Single Family Cluster Development.

The committee asked if there was a building separation distance for the detached single family units in the cluster development, staff stated no. They felt it should be added.

Mr. Welch made a motion to recommend the text change with the addition of a 50-foot setback between a nursing care facility and a detached single-family unit when the home is built first and to have 20-foot separation between units.

Mr. Terriaco seconded the motion.

All voted "Aye".

Motion passed.

Amendment #4:

Add new definitions to Section V for the following uses: cluster development, common areas, detached single-family cluster development, governmental facility, hospice care facility, hospice care program, and outdoor recreation.

Staff explained that these new definitions have to be added because they are new uses that were added to the use list.

Mr. Klco made a motion to recommend the text change.

Ms. Diak seconded the motion.

All voted "Aye".

Motion passed.

Amendment #5:

Add the new THC and THN Districts to Section 6.03 under General Requirements, Section VI, and the Performance Standards outlined in Section 6.12. Include references to the existing "S" Special Interchange District in the same section and delete references to the RD-1 District being repealed, as shown.

Staff stated that these are changes that needed to be made because of Amendment #1 and Amendment #2.

Mr. Terriaco made a motion to recommend the text change.

Mr. Welch seconded the motion.

All voted "Aye".

Amendment #6:

Add "hospice care facility" to Section XV, R-1 Residential and Section XVIII, R-4 Residential under the list of conditionally permitted uses.

Staff stated that these are changes that needed to be made because of Amendment #1 and Amendment #2.

Mr. Welch made a motion to recommend the text change.

Mr. Klco seconded the motion.

All voted "Aye".

Amendment #7:

Add/revise parking space standards in Section XXIX for the following uses: residential care facility/nursing home/ home for the aging/hospice care facility; governmental facility/police and fire services; postal service; and outdoor recreation. Add THC and THN Districts to parking setback requirements in Section 29.12, and delete reference to the RD-1 District being repealed.

Staff stated that Parking Requirements are being added for new uses and changes are being made based on Amendment #1 and Amendment #2.

Mr. Welch made a motion to recommend the text change.
Mr. Klco seconded the motion.

All voted "Aye".

Amendment #8:

a. Add new THC and THN Districts to Section XXXVI, Site Plan Review, to require such review for projects proposed in these districts under Section 36.03 and in the Flow Chart on page 36.9.

b. Add new THC and THN Districts to Section XXXVII, Design Standards, which requires design review for any proposed projects under Section 37.03, that are consistent with the Western Reserve style of architecture. Also, revise the requirements for long walls under Section 37.05 by removing the 3% depth change required with the change in wall plane.

c. Add new THC and THN Districts to Section XXXVIII, Landscaping & Screening Requirements, to require a landscape plan for projects proposed in these districts under Section 38.02. Include THN, THC, B-2, S, and M District references under Section 38.09, Landscaping/Screening Adjacent to Residential Areas. Add a landscaping/screening requirement for commercial projects abutting residential uses within the same THN District, also under 38.09. Add THN and THC District references under Section 38.10 for fence requirements.

Staff stated that Site Plan Review is being amended base on Amendment #1. Design Standards is being amended to require the THN and THC be built in the Western Reserve Style. There is also a change in the long wall to allow for more freedom of the owner to adhere to the regulations based on applicability issues with recent site plans.

Mr. Terriaco made a motion to recommend the text change.
Ms. Diak seconded the motion.

All voted "Aye".

Ms. Diak apologized for being late. She stated she had a concern that churches were allowed in THC, but not in THN. She wondered why? Don't you have to allow churches in all zones? Staff stated no. The Federal Government passed the RLUPA to insure that zoning regulations do not violate the Constitutional Right of Freedom of Religion, but it does not stop the communities from regulating churches. The test for churches is that do you allow a similar use in a district? Schools are similar use to churches, so if you allow one, you should allow the other one. Other members of the committee had similar concerns. Staff asked them if they wanted to reconsider the recommendation on Amendment number one. They said no, but they would like staff to mention it to the Planning Commission. Staff stated they would do so.

Madison Township Text Amendment

Staff stated that this was a continuation of last month's submission. Madison Township wanted to prohibit livestock from lots that were less than one acre. Last month, Madison Township was proposing to put the language into A-1, R-1 and R-2 text. This committee recommended that the change take place. After the meeting, staff discovered that Madison Township had language that referenced the same section of law in their section 125.11. In section 125.11, Madison Township was regulating location of agriculture buildings through ORC 519.21 (B), which was the same section they wanted to site for prohibiting livestock. Staff changed the recommendation at the Planning Commission Meeting and recommended that the Township add the prohibiting of livestock to section 125.11 instead of the A-1, R-1 or R-2 Chapters.

The Township took that recommendation and made some modifications. They decided that their modifications were too far away from the recommendation, so they chose to have another public hearing and resubmit it to the Planning Commission.

Staff is recommending that the text change be accepted with a change. The term companion animal needs to be defined.

Mr. Welch made a motion to recommend the text change with the addition of a definition of companion animal.

Ms. Diak seconded the motion.

All vote "Aye".

Motion passed.

Meeting adjourned at 7:42 P.M.